

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
SEPTEMBER 16, 1997**

The one thousand seven hundred and seventy-fifth meeting of the Milwaukie City Council was called to order by Mayor Lomnicki at 7:00 p.m. in the Milwaukie City Hall Council Chambers. The following Councilors were present:

Mayor Lomnicki,
Mayor

Jean Schreiber
Rob Kappa

Also present:

Pat DuVal,
RIM Director
Ruthanne Bennett,
Civil Engineer

Jim Brink,
Public Works Director

CONSENT AGENDA

It was moved by Councilmember Kappa and seconded by Councilmember Schreiber to adopt the Consent Agenda which consisted of the City Council minutes of September 2, 1997. Passed unanimously among the members present.

AUDIENCE PARTICIPATION

Mark Saxe of 538 Holmes Lane, Oregon City stated he was concerned about the \$46.00 vehicle release fee the City is now charging. He wanted to know if the Council was aware that this fee is being charged to people that had their vehicle stolen. **Mayor Lomnick** responded no. Saxe stated that he hoped it was just an over sight. He had checked with Clackamas County Sheriff's Department, Oregon City and Milwaukie. To his surprise, Oregon City and Gladstone did have a vehicle release fee, and they did not charge innocent victims who had their cars stolen. He understands charging that fee for driving with no insurance and as far as someone driving drunk they should just take his car and never give it back. He stated he did not feel it was fair to charge for the release of stolen vehicles. If they don't have full coverage insurance they are already looking at having to pay for damage to the vehicle and the tow bill. He stated that he thought the Milwaukie Police Department should be instructed not to charge that fee to someone who had a vehicle stolen. He also felt it would only be fair to reimburse the people who have already been hit with this charge if they have had a stolen vehicle.

Mayor Lomnicki stated he was not prepared to make that recommendation but that he would make the recommendation that the City Council look at that fee structure. City Council would have to go through a more formal process of

changing the fee structure. He agreed that he was not sure it was fair for someone who was a victim to have to pay. He stated that the Council would have to look at the entire issue because there were costs still associated with vehicle release. He stated he was in sympathy with Mr. Saxe but at this point was not going to agree to give him back his \$46.00. Council would need to look at the issue and question of retroactive refunds.

Councilmember Schreiber stated the City needed to be careful who pays any related cost. If there is a cost involved and we follow a no charge to the victim policy then it needs to come out of some other pocket, and the question is what pocket. She asked Mr. Saxe if he had a recommendation to that.

Mr. Saxe stated he owns a towing company and is very familiar with how many uninsured people get their cars stolen. He stated he was very familiar with what is involved in making out a vehicle release. A release is made by someone already on the clock, takes them about 60 seconds to do, and in his opinion there is no cost involved.

Mayor Lomnicki clarified that the issue was with the vehicle release fee not towing charges. It was just a matter of processing the paper work and allowing that to happen. **Mr. Saxe** agreed.

Councilmember Kappa recommended staff bring the Fee Resolution back before the City Council. If there is no direct cost to the individual, he would not have a problem not charging for it. He also wanted to know if the vehicle is being towed off our City streets, whether it is stolen or not, what is the cost to us. Are we going to pay for it. He wants to that information first.

Councilmember Schreiber stated she felt there were a number of issues involved, individual insurance, who's liable for this, etc. Rather than an ordinance, she would like to see a discussion of the issue.

Mayor Lomnicki stated that first City Council needed to see the Fee Resolution, then they would have the discussion and review the fee. It would be noted that Mr. Saxes wanted a refund, and if Council made a change they would discuss refunds from that point on.

Mr. Saxe asked when he could check back with them on this issue. **Mayor Lomnicki** stated he could always check with the City Manager or the City Recorder. He also stated that City Council meets the first and third Tuesdays of the month, so the earliest it could come back would be two weeks.

OTHER BUSINESS

Cole Addition Local Improvement District Project Cost Share Resolution - Jim Brink

Jim Brink presented a resolution for final cost for the sanitary sewer improvements for the Cole Addition LID and additionally requested an apportionment of those cost between the City and the benefiting property owners. Staff would be directed to prepare the assessments to be provided to the property owners prior to the assessment hearing. The project is complete, and the final cost has been established. The resolution before Council shows 75% Property owner 25% City share for the costs associated with the local improvement district. The 75%/25% cost share was provided by Council as guidance in a previous work session.

Staff has no knowledge of any major issues at this time. There are some associated refunds that could be provided to the benefiting property owner if they elect an early hook up, but those kind of issues and refunds would be handled separately.

The project came in significantly under budget. All major factors with the exception of design were less than estimated.

Councilmember Kappa addressed a question on the rebate issue discussed at Council some months ago. Was that the formula they were going to use for the rebate if they owner hooked up early. **Brink** stated yes, and he believed it was \$327.00 which was fairly close to the reimbursement fees of system development costs if property owners hooked up early. He also stated that the 75/25 cost was for the whole project. Rebate costs would be handled separately. In other words, those would be checks provided by the City to the property owner in the event they either hook up early or they were owed a refund for a previous user fee or previous assessment but not connected.

Councilmember Kappa asked what the hook up fees were. **Brink** stated the system development charge is the standard \$893.00. That is the standard hook up fee the City must charge. It appears that the standard property owner cost in the Sherrett area will be \$1000.00.

Councilmember Schreiber asked how many properties the hundred thousand dollars were spread over. **Brink** answered it was 17.

Councilmember Schreiber stated she wanted to congratulate staff for its handling of the situation so that property owners would be pleasantly surprised.

It was moved by Councilmember Kappa and seconded by Councilmember Schreiber to adopt the resolution determining the portion of the total cost of the sanitary sewer improvements to be borne by the benefited properties in the Cole Addition Local Improvement District and directing the City

Engineer to prepare an assessment roll. Passed unanimously among the members present.

RESOLUTION NO. 32-1997:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DETERMINING THE PORTION OF THE TOTAL COST OF THE SANITARY SEWER IMPROVEMENTS TO BE BORNE BY THE BENEFITTED PROPERTIES IN THE COLE ADDITION LOCAL IMPROVEMENT DISTRICT AND DIRECTING THE CITY ENGINEER TO PREPARE AN ASSESSMENT ROLL.

1997 Island Station Stormline Construction ST-97-2 - Ruthanne Bennett

Bennett stated that on July 15 City Council authorized Public Works to advertise for bids on the Island Station Storm Line Construction; at that time the estimated cost was two hundred thousand dollars. There were seven contractors that submitted bids. Today when staff opened the bids, the low bid was one hundred twenty one thousand and sixty two dollars from Canby Excavating. Tonight staff was requesting City Council authorize City Manager to sign a contract with low bidder for this amount.

Councilmember Schreiber asked if, because there is such a spread in the bids, if there were any questions about lowest bid being most appropriate. **Bennet** called other cities, Forest Grove, Cornelius, and Newberg, who had worked with contractor (Canby Excavating). It was reported they were satisfied with their work and pleased with the low cost.

Mayor Lomnicki asked if the City required the company to have a performance bond. **Bennet** responded in the affirmative.

Work is warranted for a year after the City accepts their work. Once the completed work has been accepted, the City refunds any funds retained from their final payment. From the time the City accepts the project as completed it is under warranty for one year. **Mayor Lomnicki** asked if that gave us enough time to determine if there is proper sealing within the pipes or if there is slumping. **Bennett** stated Public Works requires compacting testing by a certified company. Public Works also checks to ensure the contractor is compacting as they work. The policy of warranting work has been used by the City for some time.

Councilmember Kappa asked if the City had used this company in the past. **Bennett** stated that she had heard that they did a waterline project six years ago but was unable verify it on short notice.

It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to authorize the City Manager to sign a contract with the lowest bidder, Canby Excavation, for the sum of one hundred twenty one thousand and sixty two dollars. Motion passed unanimously among the members present.

INFORMATION

Councilmember Kappa had question for staff on Neighborhood Traffic Management ranking spreadsheets because it appeared he had several copies of the same document. DuVal responded they could be duplications as she copied what was provided by Engineering Intern Shelton.

ADJOURNMENT

Mayor Lomnicki adjourned the meeting at 7:20 p.m.

Barb Kwapich, Office Assistant